

REMARKS

Claims 1-53 were pending in the present application. Claims 1-17 and 22-53 were previously withdrawn from consideration as drawn to a non-elected invention. By virtue of this amendment, claims 1-18 and 22-53 are cancelled. Claim 19 is amended to an independent form. Claims 20 and 21 are amended to depend from claim 19. Accordingly, claims 19-21 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 18, 20, and 21 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner asserts that the specification does not disclose, aside from the $\Delta 3$ -AIB1 splice variant lacking exon 3 (SEQ ID NO:3), any other AIB1 isoforms that contain a deletion of exon 3. The Examiner indicated that claim 19 is allowed.

Applicants respectfully submit that the rejection of claim 18, 20, and 21 under 35 U.S.C. § 112, first paragraph, is rendered moot by the claim amendment. Specifically, claim 18 has been cancelled. Claims 20 and 21 have been amended to depend from allowed claim 19.

Accordingly, Applicants respectfully request withdrawal of the rejection and allowance of the amended claims.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 544582000100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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